IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.61877-M of 2006
Date of Decision:- 12.1.2007

Jai Bhagwan ....Petitioner(s)

through
Mr.V.K.Bali, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

In this petition under Section 482 Cr.P.C., the petitioner seeks a direction to the respondent-police authorities for registration of a case under Sections 420, 467, 471 IPC against respondents No.5 to 7.

It is averred in the petition that despite the petitioner's repeated visits to the police authorities and a written complaint dated 5.9.2006 (Annexure P-3), no case is being registered apparently for the reason that respondent No.7, who is father of respondents No.5 & 6, is a senior police official, namely, Dy.S.P. in the Haryana Police

In response to the notice of motion, a short reply has been filed by Sub-Inspector, Yash Pal Singh, S.H.O., Police Station, Ganaur, which leads no where.

Prima facie, the apprehension expressed by the petitioner that his complaints are being ignored for the reason that respondent No.7 happens to be a police officer, cannot be taken lightly or brushed aside.

Consequently, having regard to the nature of the allegations made by the petitioner against respondents No.5 to 7 but at the same time

without expressing any views on the merits of the case, this petition is disposed of with a direction to (i) Superintendent of Police, District Sonepat and (ii) S.H.O., Police Station, Ganaur to look into the representation-cum-complaint dated 5.9.2006 made by the petitioner (Annexure P-3) and also to treat this petition as a supplementary complaint on his behalf and if commission of a cognizable offence is made out, to proceed in the matter in accordance with law. The necessary action shall be taken within a period of two weeks from the date of receipt of certified copy of this order.

This Court cannot be oblivious of the fact that respondent No.7 is a senior police official in the rank of Dy.S.P. Therefore, the Superintendent of Police, Sonepat shall personally ensure that the enquiry/investigation of the complaint made by the petitioner is entrusted to an officer who should be fairly senior to respondent No.7 so that the enquiry is conducted in a fair, impartial and dispassionate manner.

January 12, 2007 **(SURYA KANT)**
poonam **JUDGE**